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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 54

Introduced by Assembly Member Olsen

(Principal coauthor: Assembly Member Gray)

(Principal coauthors: Senators Berryhill, Cannella, and Galgiani)

(Coauthors: Assembly Members Achadjian, Travis Allen, Baker, Bigelow, Brough, —Chang, Chávez, Cooper, Beth Gaines, Gallagher, Grove, Lackey, Linder, Maienschein, Mathis, Mayes, Oberholte, Patterson, Perea, Salas, Steinorth, Waldron, and Wilk and Steinorth)

(Coauthors: Senators Anderson, Fuller, Gaines, Huff, Nielsen, Stone, and Vidak)(Coauthor: Senator Nielsen)

December 1, 2014

An act to amend Sections 55.32, 55.53, and 55.56 of the Civil Code, and to amend Sections 4459.7, 4459.8, and 8299.06 of, to add Section 65941.6 to, and to add Article 4 (commencing with Section 65946) to Chapter 4.5 of Division 1 of Title 7 of, the Government Code, *Section 55.32 of the Civil Code*, relating to disability access.

LEGISLATIVE COUNSEL'S DIGEST

AB 54, as amended, Olsen. Disability—~~access~~: *access: construction-related accessibility claims: demand letters.*

~~(1) Existing~~

Existing law prohibits discrimination on the basis of various specified personal characteristics, including disability. The Construction-Related Accessibility Standards Compliance Act establishes standards for making new construction and existing facilities accessible to persons with disabilities and provides for construction-related accessibility claims for violations of those standards. Existing law requires that a copy of the demand letter and the complaint be sent to the California Commission on Disability Access.

This bill would, in addition, require that information about the demand letter and the complaint be submitted to the commission in a standard format specified by the commission.

~~(2) Existing law specifies that a violation of construction-related accessibility standards personally encountered by a plaintiff may be sufficient to cause a denial of full and equal access if the plaintiff experienced difficulty, discomfort, or embarrassment because of the violation.~~

This bill would exclude certain technical violations from the scope of this provision, if specified conditions are met.

~~(3) Under existing law, a defendant is liable for actual damages plus minimum statutory damages for each instance of discrimination relating to a construction-related accessibility standard.~~

This bill would exempt a defendant from liability for minimum statutory damages with respect to a structure or area inspected by a certified access specialist (CASP) for a period of 120 days if specified conditions are met. The bill would require a defendant who claims the benefit of this provision to disclose the date and findings of any CASp inspection to the plaintiff.

~~(4) Existing law requires the State Architect to establish and publicize a program for the voluntary certification by the state of any person who meets specified criteria as a CASp. Existing law requires the State Architect to annually publish a list of CASps. Existing law requires each applicant for CASp certification or renewal to pay certain fees; and requires the State Architect to periodically review those fees, as specified. Existing law provides for the deposit of those fees into the~~

~~Certified Access Specialist Fund, which is continuously appropriated for use by the State Architect to implement the CASp program:~~

~~This bill would additionally require the State Architect to publish, and regularly update, easily accessible lists of businesses that file prescribed notices of inspection, and businesses which have been inspected by a CASp on or after January 1, 2017, including the date of the inspection. The bill would require the State Architect to develop a process by which a small business may notify the State Architect that a structure or area has had a CASp inspection and to develop a form for businesses to notify the public that the business has obtained a CASp inspection. The bill would also require applicants for CASp certification or renewal to additionally provide to the State Architect the name of the city, county, or city and county in which the applicant intends to provide or has provided services, and would require the Division of the State Architect to post that information on its Internet Web site.~~

~~(5) Existing law establishes the California Commission on Disability Access for purposes of developing recommendations to enable persons with disabilities to exercise their right to full and equal access to public facilities and facilitating business compliance with applicable state and federal laws and regulations. Existing law sets forth the powers and duties of the commission, including developing educational materials and information for businesses, building owners, tenants, and building officials, posting that information on the commission's Internet Web site, and coordinating with other state agencies and local building departments to ensure that information provided to the public on disability access requirements is uniform and complete.~~

~~This bill would additionally require the commission to provide a link on its Internet Web site to the Internet Web site of the Division of the State Architect's CASp certification program, and make the commission's educational materials and information available to other state agencies and local building departments.~~

~~(6) The Permit Streamlining Act establishes procedures for the application, and review of an application, for a development project. Existing law requires a public agency to notify applicants for development permits of specified information, including the time limits established for the review and approval of development permits.~~

~~This bill would additionally require local agencies to develop and provide to applicants materials relating to the requirements of the federal Americans with Disabilities Act of 1990, or to instead provide similar materials developed by the California Commission on Disability Access.~~

The bill would require a local agency to notify an applicant that approval of a permit does not signify that the applicant has complied with that act. The bill would also require local agencies to expedite review of projects for which the applicant provides a copy of a disability access certificate, demonstrates that the project is necessary to address an alleged violation of a construction-related access standard or a violation noted in a CASp report, and, if project plans are necessary for approval, has had a CASp review the project plans for compliance with all applicable construction-related accessibility standards. The bill would declare that these provisions constitute a matter of statewide concern and shall apply to charter cities and charter counties.

By imposing additional duties on local agencies with respect to the receipt and review of applications for development projects, this bill would impose a state-mandated local program.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~yes~~no.

The people of the State of California do enact as follows:

- 1 SECTION 1. ~~(a) The Legislature finds and declares that the~~
- 2 ~~federal Americans with Disabilities Act of 1990 (ADA) is a~~
- 3 ~~well-intentioned law empowering private citizens to bring claims~~
- 4 ~~against businesses that do not make their establishments accessible~~
- 5 ~~to those with disabilities. However, a large number of businesses~~
- 6 ~~in California are out of compliance with the ADA.~~
- 7 ~~(b) The Legislature further finds and declares all of the~~
- 8 ~~following:~~
- 9 ~~(1) Current law permits defendants to request a court stay and~~
- 10 ~~an early evaluation conference upon being served with a~~
- 11 ~~construction-related accessibility claim if, among other things, the~~
- 12 ~~site in question had new construction approved by a local public~~
- 13 ~~building department inspector who is a certified access specialist~~
- 14 ~~(CASp), no subsequent modifications or alterations have been~~
- 15 ~~made, and all violations are corrected within 60 days.~~

1 ~~(2) The purpose of this act is to promote increased compliance~~
2 ~~with disabled accessibility building codes throughout the state by~~
3 ~~encouraging business and property owners to become CASp~~
4 ~~certified. Using the relief provided by this act, business and~~
5 ~~property owners will be more likely to obtain a CASp inspection~~
6 ~~whenever modifying or altering a site.~~

7 *SECTION 1. Section 55.32 of the Civil Code, as amended by*
8 *Section 2 of Chapter 755 of the Statutes of 2015, is amended to*
9 *read:*

10 55.32. (a) An attorney who provides a demand letter, as defined
11 in subdivision (a) of Section 55.3, shall do all of the following:

12 (1) Include the attorney's State Bar license number in the
13 demand letter.

14 (2) Contemporaneously with providing the demand letter, send
15 a copy of the demand letter to the State Bar of California by
16 facsimile transmission at 1-415-538-2171, or by mail to 180
17 Howard Street, San Francisco, CA, 94105, Attention: Professional
18 Competence.

19 (3) Within five business days of providing the demand letter,
20 send a copy of the demand letter to letter, and submit information
21 about the demand letter in a standard format specified by the
22 California Commission on Disability Access. Access, to the
23 commission.

24 (b) An attorney who sends or serves a complaint, as defined in
25 subdivision (a) of Section 55.3, shall do both of the following:

26 (1) Send a copy of the complaint to and submit information
27 about the complaint in a standard format specified by the California
28 Commission on Disability Access to the commission within five
29 business days of sending or serving the complaint.

30 (2) Notify the California Commission on Disability Access
31 within five business days of judgment, settlement, or dismissal of
32 the claim or claims alleged in the complaint of the following
33 information in a standard format specified by the commission:

34 (A) The date of the judgment, settlement, or dismissal.

35 (B) Whether or not the construction-related accessibility
36 violations alleged in the complaint were remedied in whole or in
37 part after the plaintiff filed a complaint or provided a demand
38 letter, as defined by Section 55.3.

39 (C) If the construction-related accessibility violations alleged
40 in the complaint were not remedied in whole or in part after the

1 plaintiff filed a complaint or provided a demand letter, as defined
2 by Section 55.3, whether or not another favorable result was
3 achieved after the plaintiff filed the complaint or provided the
4 demand letter.

5 (D) Whether or not the defendant submitted an application for
6 an early evaluation conference and stay pursuant to Section 55.54,
7 whether the defendant requested a site inspection, the date of any
8 early evaluation conference, and the date of any site inspection.

9 (c) A violation of paragraph (2) or (3) of subdivision (a) or
10 subdivision (b) shall constitute cause for the imposition of
11 discipline of an attorney where a copy of the complaint, demand
12 letter, or notification of a case outcome is not sent to the California
13 Commission on Disability Access within five business days, or a
14 copy of the demand letter is not sent to the State Bar within five
15 business days. In the event the State Bar receives information
16 indicating that an attorney has failed to send a copy of the
17 complaint, demand letter, or notification of a case outcome to the
18 California Commission on Disability Access within five business
19 days, the State Bar shall investigate to determine whether paragraph
20 (3) of subdivision (a) or subdivision (b) has been violated.

21 (d) Notwithstanding subdivisions (a) and (b), an attorney is not
22 required to send to the State Bar of California or the California
23 Commission on Disability Access a copy of any subsequent
24 demand letter or amended complaint in the same dispute following
25 the initial demand letter or complaint, unless that subsequent
26 demand letter or amended complaint alleges a new
27 construction-related accessibility claim.

28 (e) A demand letter, complaint, or notification of a case outcome
29 sent to the California Commission on Disability Access shall be
30 for the informational purposes of Section 8299.08 of the
31 Government Code. A demand letter received by the State Bar from
32 either the sender or recipient of the demand letter shall be reviewed
33 by the State Bar to determine whether subdivision (b) or (c) of
34 Section 55.31 has been violated.

35 (f) (1) Commencing July 31, 2013, and annually each July 31
36 thereafter, the State Bar shall report to the Legislature and the
37 Chairs of the Senate and Assembly Committees on Judiciary, both
38 of the following with respect to demand letters received by the
39 State Bar:

1 (A) The number of investigations opened to date on a suspected
2 violation of subdivision (b) or (c) of Section 55.31.

3 (B) Whether any disciplinary action resulted from the
4 investigation, and the results of that disciplinary action.

5 (2) A report to be submitted pursuant to this subdivision shall
6 be submitted in compliance with Section 9795 of the Government
7 Code.

8 (g) The California Commission on Disability Access shall
9 review and report on the demand letters, complaints, and
10 notifications of case outcomes it receives as provided in Section
11 8299.08 of the Government Code.

12 (h) Paragraphs (2) and (3) of subdivision (a) and subdivision
13 (b) shall not apply to a demand letter or complaint sent or filed by
14 an attorney employed or retained by a qualified legal services
15 project or a qualified support center, as defined in Section 6213
16 of the Business and Professions Code, when acting within the
17 scope of employment in asserting a construction-related
18 accessibility claim. The Legislature finds and declares that qualified
19 legal services projects and support centers are extensively regulated
20 by the State Bar of California, and that there is no evidence of any
21 abusive use of demand letters or complaints by these organizations.
22 The Legislature further finds that, in light of the evidence of the
23 extraordinarily small number of construction-related accessibility
24 cases brought by regulated legal services programs, and given the
25 resources of those programs, exempting regulated legal services
26 programs from the requirements of this section to report to the
27 California Commission on Disability Access will not affect the
28 purpose of the reporting to, and tabulation by, the commission of
29 all other construction-related accessibility claims.

30 (i) This section shall become operative on January 1, 2013.

31 (j) This section shall remain in effect only until January 1, 2019,
32 and as of that date is repealed.

33 SEC. 2. Section 55.32 of the Civil Code, as amended by Section
34 3 of Chapter 755 of the Statutes of 2015, is amended to read:

35 55.32. (a) An attorney who provides a demand letter, as defined
36 in subdivision (a) of Section 55.3, shall do all of the following:

37 (1) Include the attorney's State Bar license number in the
38 demand letter.

39 (2) Within five business days of providing the demand letter,
40 send a copy of the demand letter, and submit information about

1 the demand letter in a standard format specified by the California
2 Commission on Disability Access, to the commission.

3 (b) An attorney who sends or serves a complaint, as defined in
4 subdivision (a) of Section 55.3, shall do both of the following:

5 (1) Send a copy of the complaint and submit information about
6 the complaint in a standard format specified by the California
7 Commission on Disability Access to the commission within five
8 business days of sending or serving the complaint.

9 (2) Notify the California Commission on Disability Access
10 within five business days of judgment, settlement, or dismissal of
11 the claim or claims alleged in the complaint of the following
12 information in a standard format specified by the commission:

13 (A) The date of the judgment, settlement, or dismissal.

14 (B) Whether or not the construction-related accessibility
15 violations alleged in the complaint were remedied in whole or in
16 part after the plaintiff filed a complaint or provided a demand
17 letter, as defined by Section 55.3.

18 (C) If the construction-related accessibility violations alleged
19 in the complaint were not remedied in whole or in part after the
20 plaintiff filed a complaint or provided a demand letter, as defined
21 by Section 55.3, whether or not another favorable result was
22 achieved after the plaintiff filed the complaint or provided the
23 demand letter.

24 (D) Whether or not the defendant submitted an application for
25 an early evaluation conference and stay pursuant to Section 55.54,
26 whether the defendant requested a site inspection, the date of any
27 early evaluation conference, and the date of any site inspection.

28 (c) A violation of paragraph (2) of subdivision (a) or subdivision
29 (b) shall constitute cause for the imposition of discipline of an
30 attorney if a copy of the demand letter, complaint, or notification
31 of a case outcome is not sent to the California Commission on
32 Disability Access within five business days. In the event the State
33 Bar receives information indicating that an attorney has failed to
34 send a copy of the demand letter, complaint, or notification of a
35 case outcome to the California Commission on Disability Access
36 within five business days, the State Bar shall investigate to
37 determine whether paragraph (2) of subdivision (a) or subdivision
38 (b) has been violated.

39 (d) Notwithstanding subdivisions (a) and (b), an attorney is not
40 required to send to the California Commission on Disability Access

1 a copy of any subsequent demand letter or amended complaint in
2 the same dispute following the initial demand letter or complaint,
3 unless that subsequent demand letter or amended complaint alleges
4 a new construction-related accessibility claim.

5 (e) A demand letter or notification of a case outcome sent to
6 the California Commission on Disability Access shall be for the
7 informational purposes of Section 8299.08 of the Government
8 Code. A demand letter received by the State Bar from the recipient
9 of the demand letter shall be reviewed by the State Bar to determine
10 whether subdivision (b) or (c) of Section 55.31 has been violated.

11 (f) (1) Notwithstanding Section 10231.5 of the Government
12 Code, on or before July 31, 2019, and annually thereafter, the State
13 Bar shall report to the Legislature and the Chairs of the Senate and
14 Assembly Judiciary Committees, both of the following with respect
15 to demand letters received by the State Bar:

16 (A) The number of investigations opened to date on a suspected
17 violation of subdivision (b) or (c) of Section 55.31.

18 (B) Whether any disciplinary action resulted from the
19 investigation, and the results of that disciplinary action.

20 (2) A report to be submitted pursuant to this subdivision shall
21 be submitted in compliance with Section 9795 of the Government
22 Code.

23 (g) The California Commission on Disability Access shall
24 review and report on the demand letters, complaints, and
25 notifications of case outcomes it receives as provided in Section
26 8299.08 of the Government Code.

27 (h) The expiration of any ground for discipline of an attorney
28 shall not affect the imposition of discipline for any act prior to the
29 expiration. An act or omission that constituted cause for imposition
30 of discipline of an attorney when committed or omitted prior to
31 January 1, 2019, shall continue to constitute cause for the
32 imposition of discipline of that attorney on and after January 1,
33 2019.

34 (i) Paragraph (2) of subdivision (a) and subdivision (b) shall
35 not apply to a demand letter or complaint sent or filed by an
36 attorney employed or retained by a qualified legal services project
37 or a qualified support center, as defined in Section 6213 of the
38 Business and Professions Code, when acting within the scope of
39 employment in asserting a construction-related accessibility claim.
40 The Legislature finds and declares that qualified legal services

1 projects and support centers are extensively regulated by the State
2 Bar of California, and that there is no evidence of any abusive use
3 of demand letters or complaints by these organizations. The
4 Legislature further finds that, in light of the evidence of the
5 extraordinarily small number of construction-related accessibility
6 cases brought by regulated legal services programs, and given the
7 resources of those programs, exempting regulated legal services
8 programs from the requirements of this section to report to the
9 California Commission on Disability Access will not affect the
10 purpose of the reporting to, and tabulation by, the commission of
11 all other construction-related accessibility claims.

12 (j) This section shall become operative on January 1, 2019.

13 ~~SEC. 3. Section 55.53 of the Civil Code is amended to read:~~

14 ~~55.53. (a) For purposes of this part, a certified access specialist~~
15 ~~shall, upon completion of the inspection of a site, comply with the~~
16 ~~following:~~

17 ~~(1) For a meets applicable standards site, if the CASp determines~~
18 ~~the site meets all applicable construction-related accessibility~~
19 ~~standards, the CASp shall provide a written inspection report to~~
20 ~~the requesting party that includes both of the following:~~

21 ~~(A) An identification and description of the inspected structures~~
22 ~~and areas of the site.~~

23 ~~(B) A signed and dated statement that includes both of the~~
24 ~~following:~~

25 ~~(i) A statement that, in the opinion of the CASp, the inspected~~
26 ~~structures and areas of the site meet construction-related~~
27 ~~accessibility standards. The statement shall clearly indicate whether~~
28 ~~the determination of the CASp includes an assessment of readily~~
29 ~~achievable barrier removal.~~

30 ~~(ii) If corrections were made as a result of the CASp inspection,~~
31 ~~an itemized list of all corrections and dates of completion.~~

32 ~~(2) For an inspected by a CASp site, if the CASp determines~~
33 ~~that corrections are needed to the site in order for the site to meet~~
34 ~~all applicable construction-related accessibility standards, the~~
35 ~~CASp shall provide a signed and dated written inspection report~~
36 ~~to the requesting party that includes all of the following:~~

37 ~~(A) An identification and description of the inspected structures~~
38 ~~and areas of the site.~~

39 ~~(B) The date of the inspection.~~

1 ~~(C) A statement that, in the opinion of the CASp, the inspected~~
2 ~~structures and areas of the site need correction to meet~~
3 ~~construction-related accessibility standards. This statement shall~~
4 ~~clearly indicate whether the determination of the CASp includes~~
5 ~~an assessment of readily achievable barrier removal.~~

6 ~~(D) An identification and description of the structures or areas~~
7 ~~of the site that need correction and the correction needed.~~

8 ~~(E) A schedule of completion for each of the corrections within~~
9 ~~a reasonable timeframe.~~

10 ~~(3) The CASp shall provide, within 30 days of the date of the~~
11 ~~inspection of a business that qualifies for the provisions of~~
12 ~~subparagraph (A) of paragraph (3) of subdivision (g) of Section~~
13 ~~55.56, a copy of a report prepared pursuant to that subparagraph~~
14 ~~to the business.~~

15 ~~(4) The CASp shall file, within 10 days of inspecting a business~~
16 ~~pursuant to subparagraph (A) of paragraph (3) of subdivision (g)~~
17 ~~of Section 55.56, a notice with the State Architect for listing on~~
18 ~~the State Architect's Internet Web site, as provided by subdivision~~
19 ~~(d) of Section 4459.7 of the Government Code, indicating that the~~
20 ~~CASp has inspected the business, the name and address of the~~
21 ~~business, the date of the filing, the date of the inspection of the~~
22 ~~business, the name and license number of the CASp, and a~~
23 ~~description of the structure or area inspected by the CASp.~~

24 ~~(5) The CASp shall post the notice described in paragraph (4),~~
25 ~~in a form prescribed by the State Architect, in a conspicuous~~
26 ~~location within five feet of all public entrances to the building on~~
27 ~~the date of the inspection and instruct the business to keep it in~~
28 ~~place until the earlier of either of the following:~~

29 ~~(A) One hundred twenty days after the date of the inspection.~~

30 ~~(B) The date when all of the construction-related violations in~~
31 ~~the structure or area inspected by the CASp are corrected.~~

32 ~~(b) For purposes of this section, in determining whether the site~~
33 ~~meets applicable construction-related accessibility standards when~~
34 ~~there is a conflict or difference between a state and federal~~
35 ~~provision, standard, or regulation, the state provision, standard, or~~
36 ~~regulation shall apply unless the federal provision, standard, or~~
37 ~~regulation is more protective of accessibility rights.~~

38 ~~(c) Every CASp who conducts an inspection of a place of public~~
39 ~~accommodation shall, upon completing the inspection of the site,~~
40 ~~provide the building owner or tenant who requested the inspection~~

1 with the following notice, which the State Architect shall make
2 available as a form on the State Architect's Internet Web site:

3
4 NOTICE TO PRIVATE PROPERTY OWNER/TENANT:

5
6 YOU ARE ADVISED TO KEEP IN YOUR RECORDS ANY
7 WRITTEN INSPECTION REPORT AND ANY OTHER
8 DOCUMENTATION CONCERNING YOUR PROPERTY SITE
9 THAT IS GIVEN TO YOU BY A CERTIFIED ACCESS
10 SPECIALIST.

11 IF YOU BECOME A DEFENDANT IN A LAWSUIT THAT
12 INCLUDES A CLAIM CONCERNING A SITE INSPECTED
13 BY A CERTIFIED ACCESS SPECIALIST, YOU MAY BE
14 ENTITLED TO A COURT STAY (AN ORDER TEMPORARILY
15 STOPPING ANY LAWSUIT) OF THE CLAIM AND AN EARLY
16 EVALUATION CONFERENCE.

17 IN ORDER TO REQUEST THE STAY AND EARLY
18 EVALUATION CONFERENCE, YOU WILL NEED TO VERIFY
19 THAT A CERTIFIED ACCESS SPECIALIST HAS INSPECTED
20 THE SITE THAT IS THE SUBJECT OF THE CLAIM. YOU
21 WILL ALSO BE REQUIRED TO PROVIDE THE COURT AND
22 THE PLAINTIFF WITH THE COPY OF A WRITTEN
23 INSPECTION REPORT BY THE CERTIFIED ACCESS
24 SPECIALIST, AS SET FORTH IN CIVIL CODE SECTION
25 55.54. THE APPLICATION FORM AND INFORMATION ON
26 HOW TO REQUEST A STAY AND EARLY EVALUATION
27 CONFERENCE MAY BE OBTAINED AT
28 www.courts.ca.gov/selfhelp-start.htm.

29 YOU ARE ENTITLED TO REQUEST, FROM A CERTIFIED
30 ACCESS SPECIALIST WHO HAS CONDUCTED AN
31 INSPECTION OF YOUR PROPERTY, A WRITTEN
32 INSPECTION REPORT AND OTHER DOCUMENTATION AS
33 SET FORTH IN CIVIL CODE SECTION 55.53. YOU ARE ALSO
34 ENTITLED TO REQUEST THE ISSUANCE OF A DISABILITY
35 ACCESS INSPECTION CERTIFICATE, WHICH YOU MAY
36 POST ON YOUR PROPERTY.

37
38 (d) (1) Commencing July 1, 2010, a local agency shall employ
39 or retain at least one building inspector who is a certified access
40 specialist. The certified access specialist shall provide consultation

1 to the local agency, permit applicants, and members of the public
2 on compliance with state construction-related accessibility
3 standards with respect to inspections of a place of public
4 accommodation that relate to permitting, plan checks, or new
5 construction, including, but not limited to, inspections relating to
6 tenant improvements that may impact access. If a local agency
7 employs or retains two or more certified access specialists to
8 comply with this subdivision, at least one-half of the certified
9 access specialists shall be building inspectors who are certified
10 access specialists.

11 (2) Commencing January 1, 2014, a local agency shall employ
12 or retain a sufficient number of building inspectors who are
13 certified access specialists to conduct permitting and plan check
14 services to review for compliance with state construction-related
15 accessibility standards by a place of public accommodation with
16 respect to new construction, including, but not limited to, projects
17 relating to tenant improvements that may impact access. If a local
18 agency employs or retains two or more certified access specialists
19 to comply with this subdivision, at least one-half of the certified
20 access specialists shall be building inspectors who are certified
21 access specialists.

22 (3) If a permit applicant or member of the public requests
23 consultation from a certified access specialist, the local agency
24 may charge an amount limited to a reasonable hourly rate, an
25 estimate of which shall be provided upon request in advance of
26 the consultation. A local government may additionally charge or
27 increase permitting, plan check, or inspection fees to the extent
28 necessary to offset the costs of complying with this subdivision.
29 Any revenues generated from an hourly or other charge or fee
30 increase under this subdivision shall be used solely to offset the
31 costs incurred to comply with this subdivision. A CASp inspection
32 pursuant to subdivision (a) by a building inspector who is a
33 certified access specialist shall be treated equally for legal and
34 evidentiary purposes as an inspection conducted by a private CASp.
35 Nothing in this subdivision shall preclude permit applicants or any
36 other person with a legal interest in the property from retaining a
37 private CASp at any time.

38 (e) (1) Every CASp who completes an inspection of a place of
39 public accommodation shall, upon a determination that the site
40 meets applicable standards pursuant to paragraph (1) of subdivision

~~(a) or is inspected by a CASp pursuant to paragraph (2) of subdivision (a), provide the building owner or tenant requesting the inspection with a numbered disability access inspection certificate indicating that the site has undergone inspection by a certified access specialist. The disability access inspection certificate shall be dated and signed by the CASp inspector, and shall contain the inspector's name and license number. Upon issuance of a certificate, the CASp shall record the issuance of the numbered certificate, the name and address of the recipient, and the type of report issued pursuant to subdivision (a) in a record book the CASp shall maintain for that purpose.~~

~~(2) Beginning March 1, 2009, the State Architect shall make available for purchase by any local building department or CASp sequentially numbered disability access inspection certificates that are printed with a watermark or other feature to deter forgery and that comply with the information requirements specified in subdivision (a).~~

~~(3) The disability access inspection certificate may be posted on the premises of the place of public accommodation, unless, following the date of inspection, the inspected site has been modified or construction has commenced to modify the inspected site in a way that may impact compliance with construction-related accessibility standards.~~

~~(f) Nothing in this section or any other law is intended to require a property owner or tenant to hire a CASp. A property owner's or tenant's election not to hire a CASp shall not be admissible to prove that person's lack of intent to comply with the law.~~

~~SEC. 4. Section 55.56 of the Civil Code is amended to read:~~

~~55.56. (a) Statutory damages under either subdivision (a) of Section 52 or subdivision (a) of Section 54.3 may be recovered in a construction-related accessibility claim against a place of public accommodation only if a violation or violations of one or more construction-related accessibility standards denied the plaintiff full and equal access to the place of public accommodation on a particular occasion.~~

~~(b) A plaintiff is denied full and equal access only if the plaintiff personally encountered the violation on a particular occasion, or the plaintiff was deterred from accessing a place of public accommodation on a particular occasion.~~

1 ~~(e) A violation personally encountered by a plaintiff may be~~
2 ~~sufficient to cause a denial of full and equal access if the plaintiff~~
3 ~~experienced difficulty, discomfort, or embarrassment because of~~
4 ~~the violation.~~

5 ~~(d) A plaintiff demonstrates that he or she was deterred from~~
6 ~~accessing a place of public accommodation on a particular occasion~~
7 ~~only if both of the following apply:~~

8 ~~(1) The plaintiff had actual knowledge of a violation or~~
9 ~~violations that prevented or reasonably dissuaded the plaintiff from~~
10 ~~accessing a place of public accommodation that the plaintiff~~
11 ~~intended to use on a particular occasion.~~

12 ~~(2) The violation or violations would have actually denied the~~
13 ~~plaintiff full and equal access if the plaintiff had accessed the place~~
14 ~~of public accommodation on that particular occasion.~~

15 ~~(e) (1) The following technical violations are presumed to not~~
16 ~~cause a person difficulty, discomfort, or embarrassment for the~~
17 ~~purpose of an award of minimum statutory damages in a~~
18 ~~construction-related accessibility claim, as set forth in subdivision~~
19 ~~(c), where the defendant is a small business, as described by~~
20 ~~subparagraph (B) of paragraph (2) of subdivision (g), the defendant~~
21 ~~has corrected, within 15 days of the service of a summons and~~
22 ~~complaint asserting a construction-related accessibility claim or~~
23 ~~receipt of a written notice, whichever is earlier, all of the technical~~
24 ~~violations that are the basis of the claim, and the claim is based on~~
25 ~~one or more of the following violations:~~

26 ~~(A) Interior signs, other than directional signs or signs that~~
27 ~~identify the location of accessible elements, facilities, or features,~~
28 ~~when not all such elements, facilities, or features are accessible.~~

29 ~~(B) The lack of exterior signs, other than parking signs and~~
30 ~~directional signs, including signs that indicate the location of~~
31 ~~accessible pathways or entrance and exit doors when not all~~
32 ~~pathways, entrance and exit doors are accessible.~~

33 ~~(C) The order in which parking signs are placed or the exact~~
34 ~~location or wording of parking signs, provided that the parking~~
35 ~~signs are clearly visible and indicate the location of accessible~~
36 ~~parking and van-accessible parking.~~

37 ~~(D) The color of parking signs, provided that the color of the~~
38 ~~background contrasts with the color of the information on the sign.~~

1 ~~(E) The color of parking lot striping, provided that it exists and~~
2 ~~provides sufficient contrast with the surface upon which it is~~
3 ~~applied to be reasonably visible.~~

4 ~~(F) Faded, chipped, damaged, or deteriorated paint in otherwise~~
5 ~~fully compliant parking spaces and passenger access aisles in~~
6 ~~parking lots, provided that it indicates the required dimensions of~~
7 ~~a parking space or access aisle in a manner that is reasonably~~
8 ~~visible.~~

9 ~~(G) The presence or condition of detectable warning surfaces~~
10 ~~on ramps, except where the ramp is part of a pedestrian path of~~
11 ~~travel that intersects with a vehicular lane or other hazardous area.~~

12 ~~(2) The presumption set forth in paragraph (1) affects the~~
13 ~~plaintiff's burden of proof and is rebuttable by evidence showing,~~
14 ~~by a preponderance of the evidence, that the plaintiff did, in fact,~~
15 ~~experience difficulty, discomfort, or embarrassment on the~~
16 ~~particular occasion as a result of one or more of the technical~~
17 ~~violations listed in paragraph (1).~~

18 ~~(f) Statutory damages may be assessed pursuant to subdivision~~
19 ~~(a) based on each particular occasion that the plaintiff was denied~~
20 ~~full and equal access, and not upon the number of violations of~~
21 ~~construction-related accessibility standards identified at the place~~
22 ~~of public accommodation where the denial of full and equal access~~
23 ~~occurred. If the place of public accommodation consists of distinct~~
24 ~~facilities that offer distinct services, statutory damages may be~~
25 ~~assessed based on each denial of full and equal access to the distinct~~
26 ~~facility, and not upon the number of violations of~~
27 ~~construction-related accessibility standards identified at the place~~
28 ~~of public accommodation where the denial of full and equal access~~
29 ~~occurred.~~

30 ~~(g) (1) Notwithstanding any other law, a defendant's liability~~
31 ~~for statutory damages in a construction-related accessibility claim~~
32 ~~against a place of public accommodation is reduced to a minimum~~
33 ~~of one thousand dollars (\$1,000) for each offense if the defendant~~
34 ~~demonstrates that it has corrected all construction-related violations~~
35 ~~that are the basis of a claim within 60 days of being served with~~
36 ~~the complaint, and the defendant demonstrates any of the following:~~

37 ~~(A) The structure or area of the alleged violation was determined~~
38 ~~to be "CAsp-inspected" or "meets applicable standards" and, to~~
39 ~~the best of the defendant's knowledge, there were no modifications~~
40 ~~or alterations that impacted compliance with construction-related~~

1 accessibility standards with respect to the plaintiff's claim that
2 were completed or commenced between the date of that
3 determination and the particular occasion on which the plaintiff
4 was allegedly denied full and equal access.

5 (B) The structure or area of the alleged violation was the subject
6 of an inspection report indicating "CAsp determination pending"
7 or "Inspected by a CAsp," and the defendant has either
8 implemented reasonable measures to correct the alleged violation
9 before the particular occasion on which the plaintiff was allegedly
10 denied full and equal access, or the defendant was in the process
11 of correcting the alleged violation within a reasonable time and
12 manner before the particular occasion on which the plaintiff was
13 allegedly denied full and equal access.

14 (C) For a claim alleging a construction-related accessibility
15 violation filed before January 1, 2018, the structure or area of the
16 alleged violation was a new construction or an improvement that
17 was approved by, and passed inspection by, the local building
18 department permit and inspection process on or after January 1,
19 2008, and before January 1, 2016, and, to the best of the
20 defendant's knowledge, there were no modifications or alterations
21 that impacted compliance with respect to the plaintiff's claim that
22 were completed or commenced between the completion date of
23 the new construction or improvement and the particular occasion
24 on which the plaintiff was allegedly denied full and equal access.

25 (D) The structure or area of the alleged violation was new
26 construction or an improvement that was approved by, and passed
27 inspection by, a local building department official who is a certified
28 access specialist, and, to the best of the defendant's knowledge,
29 there were no modifications or alterations that affected compliance
30 with respect to the plaintiff's claim that were completed or
31 commenced between the completion date of the new construction
32 or improvement and the particular occasion on which the plaintiff
33 was allegedly denied full and equal access.

34 (2) Notwithstanding any other law, a defendant's liability for
35 statutory damages in a construction-related accessibility claim
36 against a place of public accommodation is reduced to a minimum
37 of two thousand dollars (\$2,000) for each offense if the defendant
38 demonstrates both of the following:

1 ~~(A) The defendant has corrected all construction-related~~
2 ~~violations that are the basis of a claim within 30 days of being~~
3 ~~served with the complaint.~~

4 ~~(B) The defendant is a small business that has employed 25 or~~
5 ~~fewer employees on average over the past three years, or for the~~
6 ~~years it has been in existence if less than three years, as evidenced~~
7 ~~by wage report forms filed with the Economic Development~~
8 ~~Department, and has average annual gross receipts of less than~~
9 ~~three million five hundred thousand dollars (\$3,500,000) over the~~
10 ~~previous three years, or for the years it has been in existence if~~
11 ~~less than three years, as evidenced by federal or state income tax~~
12 ~~returns. The average annual gross receipts dollar amount shall be~~
13 ~~adjusted biannually by the Department of General Services for~~
14 ~~changes in the California Consumer Price Index for All Urban~~
15 ~~Consumers, as compiled by the Department of Industrial Relations.~~
16 ~~The Department of General Services shall post that adjusted~~
17 ~~amount on its Internet Web site.~~

18 ~~(3) (A) Notwithstanding any other law, a defendant shall not~~
19 ~~be liable for minimum statutory damages in a construction-related~~
20 ~~accessibility claim, with respect to a violation noted in a report by~~
21 ~~a certified access specialist (CAsp), for a period of 120 days~~
22 ~~following the date of the inspection if the defendant demonstrates~~
23 ~~compliance with each of the following:~~

24 ~~(i) The defendant is a business that has employed 100 or fewer~~
25 ~~employees on average over the past three years, or for the years it~~
26 ~~has been in existence if less than three years, as evidenced by wage~~
27 ~~report forms filed with the Employment Development Department.~~

28 ~~(ii) The structure or area of the alleged violation was the subject~~
29 ~~of an inspection report indicating “CAsp determination pending”~~
30 ~~or “Inspected by a CAsp.”~~

31 ~~(iii) The inspection predates the filing of the claim by, or receipt~~
32 ~~of a demand letter from, the plaintiff regarding the alleged violation~~
33 ~~of a construction-related accessibility standard, and the defendant~~
34 ~~was not on notice of the alleged violation prior to the CAsp~~
35 ~~inspection.~~

36 ~~(iv) The defendant has corrected, within 120 days of the date~~
37 ~~of the inspection, all construction-related violations in the structure~~
38 ~~or area inspected by the CAsp that are noted in the CAsp report~~
39 ~~that are the basis of the claim.~~

1 ~~(B) Notwithstanding any other law, a defendant who claims the~~
2 ~~benefit of the reduction of minimum statutory damages under this~~
3 ~~subdivision shall disclose the date and findings of any CASp~~
4 ~~inspection to a plaintiff if relevant to a claim or defense in an~~
5 ~~action.~~

6 ~~(4) A defendant may assert the reduction of minimum statutory~~
7 ~~damages under this subdivision only once for each structure or~~
8 ~~area inspected by a CASp, unless the inspected structure or area~~
9 ~~has undergone modifications or alterations that affect the~~
10 ~~compliance with construction-related accessibility standards of~~
11 ~~those structures or areas after the date of the last inspection, and~~
12 ~~the defendant obtains an additional CASp inspection within 30~~
13 ~~days of final approval by the building department or certificate of~~
14 ~~occupancy, as appropriate, regarding the modification or~~
15 ~~alterations.~~

16 ~~(5) If the defendant has failed to correct, within 120 days of the~~
17 ~~date of the inspection, all construction-related violations in the~~
18 ~~structure or area inspected by the CASp that are noted in the CASp~~
19 ~~report, the defendant shall not receive any reduction of minimum~~
20 ~~statutory damages, unless a building permit is required for the~~
21 ~~repairs which cannot reasonably be completed by the defendant~~
22 ~~within 120 days and the defendant is in the process of correcting~~
23 ~~the violations noted in the CASp report, as evidenced by having,~~
24 ~~at least, an active building permit necessary for the repairs to~~
25 ~~correct the violation that was noted, but not corrected, in the CASp~~
26 ~~report and all of the repairs are completed within 180 days of the~~
27 ~~date of the inspection.~~

28 ~~(6) This subdivision shall not be applicable to intentional~~
29 ~~violations.~~

30 ~~(7) Nothing in this subdivision affects the awarding of actual~~
31 ~~damages, or affects the awarding of treble actual damages.~~

32 ~~(8) This subdivision shall apply only to claims filed on or after~~
33 ~~the effective date of Chapter 383 of the Statutes of 2012, except~~
34 ~~for paragraphs (3), (4), and (5), which shall apply to claims filed~~
35 ~~on or after January 1, 2017. Nothing in this subdivision is intended~~
36 ~~to affect a complaint filed before that date.~~

37 ~~(h) This section does not alter the applicable law for the~~
38 ~~awarding of injunctive or other equitable relief for a violation or~~
39 ~~violations of one or more construction-related accessibility~~

standards, nor alter any legal obligation of a party to mitigate damages.

(i) In assessing liability under subdivision (d), in an action alleging multiple claims for the same construction-related accessibility violation on different particular occasions, the court shall consider the reasonableness of the plaintiff's conduct in light of the plaintiff's obligation, if any, to mitigate damages.

(j) For purposes of this section, the "structure or area inspected" means one of the following: the interior of the premises, the exterior of the premises, or both the interior and exterior.

SEC. 5. Section 4459.7 of the Government Code is amended to read:

4459.7. (a) (1) No later than October 31 of each year, the State Architect shall publish and make available to the public a list of certified access specialists who have met the requirements of Section 4459.5.

(2) The State Architect shall publish and regularly update on its Internet Web site easily accessible lists of all of the following:

(A) Businesses that have obtained a CASp inspection and have filed, or a CASp has filed on their behalf, a notice pursuant to paragraph (4) of subdivision (a) of Section 55.53 of the Civil Code.

(B) Businesses which have been inspected by a certified access specialist on or after January 1, 2017, including the date of the inspection.

(3) The lists required pursuant to this section shall include a written disclaimer of liability as specified in subdivision (b).

(b) Notwithstanding any other provision of law, a state agency or employee of a state agency may not be held liable for any injury or damages resulting from any service provided by a certified access specialist whose name appears on the list published pursuant to subdivision (a).

(c) The State Architect may perform periodic audits of work performed by a certified access specialist as deemed necessary to ensure the desired standard of performance. A certified access specialist shall provide an authorized representative of the State Architect with complete access, at any reasonable hour of the day, to all technical data, reports, records, photographs, design outlines and plans, and files used in building inspection and plan review, with the exception of proprietary and confidential information.

1 ~~(d) By January 1, 2017, the State Architect shall develop a~~
2 ~~process by which a certified access specialist (CAsp) may notify~~
3 ~~the State Architect that a structure or area on the premises of a~~
4 ~~business has been inspected by a CAsp and to notify the public~~
5 ~~that the business has a “CAsp determination pending,” or has been~~
6 ~~“inspected by a CAsp,” as provided by paragraph (3) of~~
7 ~~subdivision (g) of Section 55.56 of the Civil Code, which shall~~
8 ~~include the name and address of the business, the date of the~~
9 ~~notification, the date of the inspection of the business, the name~~
10 ~~and license number of the CAsp, and a description of the structure~~
11 ~~or area inspected by a CAsp.~~

12 ~~(e) By January 1, 2017, the State Architect shall develop a form~~
13 ~~for a business to notify the public that the business has obtained a~~
14 ~~CAsp inspection pursuant to paragraph (3) of subdivision (g) of~~
15 ~~Section 55.56 of the Civil Code, which shall include the date of~~
16 ~~the notification, the date of the inspection, and a description of the~~
17 ~~structure or area inspected by a CAsp.~~

18 ~~(f) For purposes of this section, the “structure or area inspected”~~
19 ~~means one of the following: the interior of the premises, the~~
20 ~~exterior of the premises, or both the interior and exterior.~~

21 ~~SEC. 6. Section 4459.8 of the Government Code is amended~~
22 ~~to read:~~

23 ~~4459.8. (a) The certification authorized by Section 4459.5 is~~
24 ~~effective for three years from the date of initial certification and~~
25 ~~expires if not renewed. The State Architect, upon consideration of~~
26 ~~any factual complaints regarding the work of a certified access~~
27 ~~specialist or of other relevant information, may suspend~~
28 ~~certification or deny renewal of certification.~~

29 ~~(b) (1) The State Architect shall require each applicant for~~
30 ~~certification as a certified access specialist to do both of the~~
31 ~~following:~~

32 ~~(A) Pay fees, including an application and course fee and an~~
33 ~~examination fee, at a level sufficient to meet the costs of application~~
34 ~~processing, registration, publishing a list, and other activities that~~
35 ~~are reasonably necessary to implement and administer the certified~~
36 ~~access specialist program.~~

37 ~~(B) Provide to the State Architect the name of the city, county,~~
38 ~~or city and county in which the applicant intends to provide~~
39 ~~services.~~

~~(2) The State Architect shall require each applicant for renewal of certification to do both of the following:~~

~~(A) Pay a fee sufficient to cover the reasonable costs of reassessing qualifications of renewal applicants.~~

~~(B) Provide to the State Architect the name of the city, county, or city and county in which the applicant has provided services since the last day of certification by the State Architect.~~

~~(3) The State Architect shall periodically review his or her schedule of fees to ensure that the fees for certification are not excessive while covering the costs to administer the certified access specialist program. The application fee for a California licensed architect, landscape architect, civil engineer, or structural engineer shall not exceed two hundred fifty dollars (\$250).~~

~~(c) All fees collected pursuant to this section shall be deposited into the Certified Access Specialist Fund, which is hereby created in the State Treasury. Notwithstanding Section 13340, this fund is continuously appropriated without regard to fiscal years for use by the State Architect to implement Sections 4459.5 to 4459.8, inclusive.~~

~~(d) The State Architect shall post on his or her Internet Web site the name of the city, county, or city and county in which each certified access specialist provides or intends to provide services.~~

~~SEC. 7. Section 8299.06 of the Government Code is amended to read:~~

~~8299.06. (a) A priority of the commission shall be the development and dissemination of educational materials and information to promote and facilitate disability access compliance.~~

~~(b) The commission shall work with other state agencies, including the Division of the State Architect and the Department of Rehabilitation, to develop educational materials and information for use by businesses to understand its obligations to provide disability access and to facilitate compliance with construction-related accessibility standards.~~

~~(c) The commission shall develop and make available on its Internet Web site, or make available on its Internet Web site if developed by another governmental agency, including Americans with Disabilities Act centers, toolkits or educational modules to assist a California business to understand its obligations under the law and to facilitate compliance with respect to the top 10 alleged construction-related violations, by type, as specified in subdivision~~

1 ~~(a) of Section 8299.08. Upon completion of this requirement, the~~
2 ~~commission shall develop and make available on its Internet Web~~
3 ~~site, or work with another agency to develop, other toolkits or~~
4 ~~educational modules that would educate businesses of the~~
5 ~~accessibility requirements and to facilitate compliance with that~~
6 ~~requirement.~~

7 ~~(d) The commission shall post the following on its Internet Web~~
8 ~~site:~~

9 ~~(1) Educational materials and information that will assist~~
10 ~~building owners, tenants, building officials, and building inspectors~~
11 ~~to understand the disability accessibility requirements and to~~
12 ~~facilitate compliance with disability access laws. The commission~~
13 ~~shall at least annually review the educational materials and~~
14 ~~information on disability access requirements and compliance~~
15 ~~available on the Internet Web site of other local, state, or federal~~
16 ~~agencies, including Americans with Disabilities Act centers, to~~
17 ~~augment the educational materials and information developed by~~
18 ~~the commission.~~

19 ~~(2) A link to the Internet Web site of the Division of the State~~
20 ~~Architect's certified access specialist (CASp) program to assist~~
21 ~~building owners and tenants in locating or hiring a CASp.~~

22 ~~(e) The commission shall, to the extent feasible, coordinate with~~
23 ~~other state agencies and local building departments to ensure that~~
24 ~~information provided to the public on disability access requirements~~
25 ~~is uniform and complete, and make its educational materials and~~
26 ~~information available to those agencies and departments.~~

27 ~~SEC. 8. Section 65941.6 is added to the Government Code, to~~
28 ~~read:~~

29 ~~65941.6. (a) Each local agency shall develop materials relating~~
30 ~~to the requirements of the federal Americans with Disabilities Act~~
31 ~~of 1990 (42 U.S.C. Sec. 12101 et seq.). The local agency shall~~
32 ~~provide these materials to an applicant along with notice that~~
33 ~~approval of a permit does not signify that the applicant has~~
34 ~~complied with the federal Americans with Disabilities Act of 1990.~~

35 ~~(b) For the purposes of complying with the requirements of~~
36 ~~subdivision (a), a local agency may, in lieu of developing its own~~
37 ~~materials, provide applicants with those materials which the~~
38 ~~California Commission on Disability Access has developed and~~
39 ~~made available pursuant to Section 8299.06.~~

1 ~~SEC. 9.—Article 4 (commencing with Section 65946) is added~~
2 ~~to Chapter 4.5 of Division 1 of Title 7 of the Government Code,~~
3 ~~to read:~~

4
5 Article 4. Expedited Review

6
7 ~~65946.—(a) For the purposes of this section, the following~~
8 ~~definitions shall apply:~~

9 ~~(1) “Certified access specialist” or “CAsp” means any person~~
10 ~~who has been certified pursuant to Section 4459.5.~~

11 ~~(2) “Construction-related accessibility standard” means a~~
12 ~~provision, standard, or regulation under state or federal law~~
13 ~~requiring compliance with standards for making new construction~~
14 ~~and existing facilities accessible to persons with disabilities;~~
15 ~~including, but not limited to, any provision, standard, or regulation~~
16 ~~set forth in Section 51, 54, 54.1, or 55 of the Civil Code, Section~~
17 ~~19955.5 of the Health and Safety Code, the California Building~~
18 ~~Standards Code (Title 24 of the California Code of Regulations),~~
19 ~~the federal Americans with Disabilities Act of 1990 (Public Law~~
20 ~~101-336; 42 U.S.C. Sec. 12101 et seq.), and the federal Americans~~
21 ~~with Disabilities Act Accessibility Guidelines (Appendix A to Part~~
22 ~~36 of Title 28 of the Code of Federal Regulations).~~

23 ~~(3) “Written inspection report” means the CAsp report required~~
24 ~~to be provided pursuant to subdivision (a) of Section 55.53 of the~~
25 ~~Civil Code.~~

26 ~~(b) A local agency shall expedite review of a project application~~
27 ~~if the project applicant meets all of the following conditions:~~

28 ~~(1) The applicant provides a copy of a disability access~~
29 ~~inspection certificate, provided by a CAsp pursuant to subdivision~~
30 ~~(e) of Section 55.53 of the Civil Code, pertaining to the site of the~~
31 ~~proposed project.~~

32 ~~(2) The applicant demonstrates that the proposed project is~~
33 ~~necessary to address either an alleged violation of a~~
34 ~~construction-related accessibility standard or a violation noted in~~
35 ~~a written inspection report.~~

36 ~~(3) If project plans are necessary for the approval of a project,~~
37 ~~the applicant has had a CAsp review the project plans for~~
38 ~~compliance with all applicable construction-related accessibility~~
39 ~~standards.~~

1 ~~SEC. 10. The Legislature finds and declares that Sections 8~~
2 ~~and 9 of this act, pertaining to the review and approval of~~
3 ~~development permit applications, constitute matters of statewide~~
4 ~~concern, and shall apply to charter cities and charter counties.~~
5 ~~These sections shall supersede any inconsistent provisions in the~~
6 ~~charter of any city, county, or city and county.~~

7 ~~SEC. 11. No reimbursement is required by this act pursuant to~~
8 ~~Section 6 of Article XIII B of the California Constitution for certain~~
9 ~~costs because a local agency or school district has the authority to~~
10 ~~levy service charges, fees, or assessments sufficient to pay for the~~
11 ~~program or level of service mandated by this act, within the~~
12 ~~meaning of Section 17556 of the Government Code.~~